Before the
Federal Communications Commission
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of	)	
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Application by New York Telephone Company (d/b/a Bell Atlantic - New York), Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Bell Atlantic Global Networks, Inc. for Authorization to Provide In-Region, InterLATA Services in New York	))))))))	CC Docket No. 99-295

REPLY COMMENTS OF MEDIAONE GROUP, INC.

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REPLY COMMENTS OF MEDIAONE GROUP, INC.

MediaOne Group, Inc. ("MediaOne") submits this reply to comments filed in response to the Application by Bell Atlantic for authorization under section 271 of the Communications Act of 1934, as amended, to provide in-region, interLATA service in the State of New York.[1/]

MediaOne is the parent company of one of the largest cable television multiple system operators ("MSOs") in the United States.[2/] MediaOne is a leader in bringing broadband communications – including voice, video, and data services – to residential customers. MediaOne subsidiaries provide residential facilities-based local telecommunications service in competition with Bell Atlantic in 41 communities surrounding Boston, Massachusetts and four communities in and around Richmond, Virginia. MediaOne subsidiaries also provide residential

[1/] See Public Notice, "Comments Requested on Application by Bell Atlantic ("Bell Atlantic Application") for Authorization Under Section 271 of the Communications Act to Provide In-region, InterLATA Service in the State of New York," CC Docket No. 99-295 (released September 29, 1999) ("Public Notice").

[2/] MediaOne expects to complete a merger with AT&T Corp. in the first quarter of 2000.

facilities-based competitive telecommunications services in Atlanta, Georgia; Los Angeles, California; Pompano Beach and Jacksonville, Florida; and several communities surrounding Detroit, Michigan. MediaOne plans to begin serving more residential markets in the near future.

INTRODUCTION AND SUMMARY

MediaOne supports the Commission's continued efforts to ensure that the Bell Operating Companies ("BOCs") institute practices that adequately, equitably, and permanently open the local telephone markets in their respective states to competition before they are permitted to offer long distance service there. Beginning with the Commission's Ameritech Michigan Order,[3/] the FCC has set forth a section 271 "roadmap" that articulates clearly what BOCs must do to comply with the market opening measures and competitive checklist established by Congress in the Telecommunications Act of 1996 (the "1996 Act"). In particular, MediaOne is encouraged that, in reviewing the first five section 271 applications, the Commission has recognized the "critical" importance of nondiscriminatory access to BOC operations support systems ("OSS") for competitive LECs.[4/] As Chairman Kennard has recognized, if OSS does not work, a BOC

[3/] Application of Ameritech Michigan Pursuant to Section 271 to Provide In-Region, InterLATA Services in Michigan, 12 FCC Rcd 20543 (1997) ("Ameritech Michigan Order"). In addition to the Ameritech Michigan Order, the Commission has articulated various requirements a section 271 application must meet in the: Applications of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana, 13 FCC Rcd 20599 (1998) ("BellSouth Louisiana II Order"); Application by BellSouth Corp., et al. Pursuant to Section 271 to Provide In-Region, InterLATA Services in Louisiana, 13 FCC Rcd 6245 (1998) ("BellSouth Louisiana Order"); Application of BellSouth Corp. et al. Pursuant to Section 271 to Provide In-Region, InterLATA Services in South Carolina, 13 FCC Rcd 539 (1997), appeal pending, Case No. 98-1019 (D.C. Cir.); Application by SBC Communications, Inc. Pursuant to Section 271 to Provide In-Region, InterLATA Services in Oklahoma, 12 FCC Rcd 8685 (1997), aff'd, SBC v. FCC, 138 F.3d 410 (D.C. Cir. 1998).

[4/] See, e.g., BellSouth Louisiana II Order, 13 FCC Rcd at 6257-58 ("A competing carrier that lacks access to operative support systems equivalent to those the incumbent provides to itself, its affiliates, or its customers, will be severely disadvantaged, if not precluded altogether, from fairly competing in the local exchange market.")

cannot provide interconnection and other competitive checklist items in the non-discriminatory manner required by the 1996 Act.[5/]

In keeping with the fundamental commitment of the 1996 Act – to bring consumer choice to the telecommunications marketplace[6/] – MediaOne urges the Commission to review closely the evaluation prepared by the United States Department of Justice ("DOJ Evaluation") and the evidence supplied in this proceeding by competitive local exchange carriers ("LECs") indicating that Bell Atlantic has failed to implement fully the 14-point competitive checklist and satisfy the public interest test in the State of New York. MediaOne, as a competitive LEC providing facilities-based local telecommunications service to residential customers in two other states, Massachusetts and Virginia, where Bell Atlantic may soon seek in-region, interLATA authorization pursuant to section 271, has a strong interest in ensuring that the Commission's review process continues to apply rigorously the public interest inquiry mandated by Congress in section 271 in order to fulfill the procompetitive goals of the 1996 Act.

It appears that Bell Atlantic has made substantial progress toward meeting the requirements of section 271. The record in this proceeding suggests that, largely due to the dedicated efforts of the New York Public Service Commission, Bell Atlantic has come much closer to opening the local telecommunications marketplace to competition in New York than it has in either Massachusetts or Virginia.[7] Given the revenues that Bell Atlantic stands to gain from providing interLATA services in New York, it should be no surprise that Bell Atlantic has opted to

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[5/] BellSouth Louisiana II Order, Separate Statement of Chairman Kennard on the FCC's Review of BellSouth's Second Application to Provide In-Region, InterLATA Services in the State of Louisiana, 13 FCC Rcd at 20812.

[6/] See id.

[7/] See, e.g., DOJ Evaluation at 1-3; Allegiance Telecom Comments at 4-5; ALTS Comments at 2.4; AT&T Comments at 1-2; Comments of the Attorney General of the State of New York at 2-3.

focus its initial efforts in the state where its potential return is the greatest. Bell Atlantic's efforts to enter the New York long distance marketplace simply reaffirms the importance of the section 271 review process. As the Commission has recognized, the BOCs "have no economic incentive, independent of the incentives set forth in section 271 . . . to provide potential competitors with opportunities to interconnect and make use of the incumbent LEC's network services."[8/]

Nevertheless, the DOJ's Evaluation and the comments filed in this proceeding clearly reflect that Bell Atlantic has not yet fully implemented certain requirements integral to opening the New York market to local competition. Although perfection is not required, failure to comply with even a single checklist item constitutes independent grounds for denying an application for section 271 authority. Competitive LECs have filed comments detailing a number of critical areas in which Bell Atlantic's performance in New York is still deficient, including, but not limited to: (1) timely delivery of interconnection trunks; (2) proper coordination of local number portability ("LNP") connections; (3) meeting Firm Order Commitment ("FOC") deadlines; and (4) Bell Atlantic's change management process associated with its OSS interfaces. It is clear from these comments that, while Bell Atlantic may be within "striking distance" of obtaining section 271 authority,[9] the job of opening New York's residential markets for local telecommunications service is not yet finished. As the DOJ has noted, the

8/ In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd 15499, 15528 (1996) ("Local Competition First Report and Order"), aff'd in part and vacated in part by Iowa Utils. Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), aff'd in part and rev'd in part by AT&T Corp. v. Iowa Utils. Bd., 525 U.S. 366 (1999). See also Ameritech Michigan Order, 12 FCC Rcd at 20551 ("Section 271 thus creates a critically important incentive for BOCs to cooperate in introducing competition in their historically monopolized local telecommunications markets.")

9/ See Evaluation of the New York Public Service Commission at 7 ("NY PSC Evaluation").

Commission should require Bell Atlantic "to remove the few but important obstacles to local competition that remain in New York before it enters the long distance market." [10]

While MediaOne does not provide local telecommunications service in New York, it is extremely troubled by the problems competitive LECs continue to face in New York because they are strikingly similar to problems experienced by MediaOne in Massachusetts and Virginia. MediaOne provides specific examples of its problems in these reply comments.

Bell Atlantic's inadequate performance in these areas may be systemic in nature. Bell Atlantic's application to provide interLATA service in New York should not be approved before such concerns are adequately addressed and corrected. Otherwise, Commission approval of this application will set a harmful precedent for local telecommunications markets in every other state in which Bell Atlantic operates, as well as for every other BOC application.

I. THE COMMISSION MUST ENSURE THAT ITS SECTION 271 REVIEW PROCESS CONTINUES TO FOLLOW RIGOROUSLY THE INQUIRY MANDATED BY CONGRESS

MediaOne is a facilities-based telecommunications carrier that may be less dependent on BOCs than some other competitive providers. But it must still rely upon the BOCs for a limited set of essential facilities and services. These include, but are not limited to: interconnection trunks; coordination of LNP connections; and processing of each of MediaOne's customer service orders.

A BOC's performance in these areas critically affects MediaOne's ability to offer competitive service on a day-to-day basis. When MediaOne cannot obtain interconnection as envisioned by the 1996 Act, when transfer of service from a BOC to MediaOne is not prompt, efficient, and transparent to the consumer, or when calls are not passed seamlessly between

[10] See DOJ Evaluation at 3.

MediaOne and a BOC, MediaOne's ability to attract and retain residential telephony customers in the local exchange marketplace is effectively undermined.

As a competitive LEC providing facilities-based local telecommunications service to residential customers in Massachusetts and Virginia, two states in which Bell Atlantic may soon seek in-region, interLATA authorization pursuant to section 271 of the 1996 Act, MediaOne has a specific interest in ensuring that the Commission's section 271 review process continues to apply rigorously the public interest inquiry mandated by Congress. To secure section 271 authority to provide long distance service in New York, Bell Atlantic has repeatedly represented that it is meeting all items in the competitive checklist.[11/] As the record in this proceeding demonstrates, however, Bell Atlantic has not yet completed all of the actions needed to achieve a fully and irreversibly open market in New York.

A. MediaOne Has Encountered Numerous Problems With Bell Atlantic in Massachusetts and Virginia That Mirror Those Encountered by New York Competitive LECs

MediaOne initiated telecommunications service in the fall of 1998 in several communities surrounding the Boston, Massachusetts, and Richmond, Virginia areas. Since that time, Bell Atlantic has failed to provide MediaOne with federally mandated services in a lawful and timely fashion. This has disrupted MediaOne's service to residential customers in Massachusetts and Virginia.

[11/] See, e.g., Application by Bell Atlantic-New York for Authorizations to Provide In-Region InterLATA Services in New York, CC Docket No. 99-295 (filed Sept. 29, 1999) ("Bell Atlantic Application"); Report of Bell Atlantic to FCC on Compliance with Bell Atlantic/NYNEX Merger Order Conditions, AAD 98-24, at 16 (filed February 1, 1999); Initial Brief of New York Telephone Company, Case No. 97-C-0271, at 5, 35-38, 57 (Apr. 18, 1997) (Bell Atlantic App. C, Tab 83); New York Telephone Company, Case No. 97-C-0271, at 4, 28, 43-45 (Apr. 30, 1997) (App. C, Tab 101); Supplemental Petition of Bell Atlantic - New York, Case No. 97-C-0271, at 27, 34 (Nov. 6, 1997) (App. C, Tab 122).

As detailed below, Bell Atlantic's deficient performance with respect to interconnection trunks and LNP cutovers, coupled with its consistently poor performance with respect to order provisioning, has impeded MediaOne's overall ability to compete effectively for local telecommunications customers in these markets. When Bell Atlantic has failed to provision interconnection trunks, port telephone numbers, or fulfill FOCs on a timely basis, it has left MediaOne customers either without telephone service, or with severely impaired service. Worse, because Bell Atlantic's inferior service provisioning or lack of performance is not transparent to the customer, the marketplace reality is that MediaOne -- not Bell Atlantic -- is held accountable for service outages and delays caused by Bell Atlantic. Thus, ironically, MediaOne's customers blame MediaOne for Bell Atlantic's poor performance and, at times, have switched their local telephone service back to Bell Atlantic.

MediaOne does not provide local telecommunications service in New York, and therefore cannot speak directly to whether Bell Atlantic has irreversibly opened the local telephone market in New York to competition. MediaOne, however, is concerned by the comments of several competitive LECs in this proceeding because those comments echo many of the same problems experienced by MediaOne in Massachusetts and Virginia.[12/] To the extent that Bell Atlantic provides access to particular items throughout a region, such as the provision of OSS throughout all states in the "Bell Atlantic-North" region, MediaOne's experiences are directly relevant to the FCC's findings in this proceeding.[13/] For similar reasons, Bell Atlantic's refusal to provide MediaOne interconnection in Massachusetts in accordance with the requirements of section

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[12/] See, e.g., Allegiance Telecom Comments at 10-13; ALTS Comments at iv, 26-30, 44-45; KMC Comments at 4-5, e-spire comments at 15-21; CompTel Comments at 20-22; AT&T Comments at 12-41; MCI Comments at 9-19; ChoiceOne Comments at 4-5.

251(c)(2) and 252(d)(1) is also relevant to the Commission's determination of whether Bell Atlantic has adopted interconnection policies elsewhere in the Bell Atlantic-North region, such as New York, that comply with the checklist.[14/]

MediaOne has experienced the following specific problems with Bell Atlantic in Massachusetts and Virginia that it believes are relevant to the Commission's review and analysis in this proceeding:

1. Bell Atlantic Has Not Provisioned Interconnection Trunk Groups in a Timely or Adequate Fashion.

Interconnection trunk groups are essential facilities that are used to connect a facilities-based competitive LEC, such as MediaOne, with Bell Atlantic's network. In its application, Bell Atlantic claims that it has met over 99 percent of the due dates for competitive LEC interconnection trunks during the first seven months of 1999. Bell Atlantic also says it has gone to "extraordinary" lengths to ensure good service to competing carriers in this area.[15/] In its evaluation filed with the Commission, the New York PSC claims that Bell Atlantic has satisfied its obligation to provide interconnection trunking on a timely basis. This claim is not persuasive however, as it is largely based upon the statement of one carrier, Intermedia Communications, which apparently has asserted that it has "resolved its concerns pertaining to trunking."[16/]

As the record in this proceeding overwhelmingly demonstrates, the experience of one competitive carrier, particularly one that stands to benefit financially from Bell Atlantic's entry

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[13/] See BellSouth Louisiana II Order, 13 FCC Rcd at 20637 (in situations where a BOC provides access to a particular checklist items through a region-wide process, the Commission considers region-wide evidence in its evaluation of that checklist item).

[14/] See id., 13 FCC Rcd at 20638 (the Commission "looks for evidence that the BOC's policies, procedures, or capabilities preclude it from satisfying the requirements of the checklist item").

[15/] Bell Atlantic Application at 13.

[16/] See NY PSC Evaluation at 18.

into the long distance market,[17] is not reflective of the delays that unfavored competitors have experienced in obtaining installation of interconnection trunking arrangements with Bell Atlantic in New York. Several competitive LECs have filed comments demonstrating that Bell Atlantic is not yet providing them with interconnection trunks on an equivalent basis to trunks it provides itself.[18] For example, Allegiance noted that 62 percent of all interconnection trunks it has ordered were not delivered by Bell Atlantic within the 18-day interval established for requests up to 192 trunks.[19]

Like the overwhelming majority of competitive LECs providing service in New York, MediaOne has experienced unreasonable delays in the provisioning of interconnection trunk groups by Bell Atlantic. In Massachusetts, Bell Atlantic is obligated to provide interconnection trunks within the same 18-day interval requirement that is in force in New York. Since the fall of 1998, however, Bell Atlantic has repeatedly failed to provision interconnection trunks to MediaOne within the required time frame. As a result, MediaOne continually has to escalate and intervene in the trunk provisioning process in order to ensure that its orders are processed at all.

As several competitive LECs have noted, Bell Atlantic's inability to provide adequate service also extends to its maintenance and repair OSS functions.[20] MediaOne has suffered through similar repair and maintenance problems in Massachusetts. For example, Bell Atlantic recently performed maintenance on MediaOne trunks between MediaOne's switch and Bell

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[17] Bell Atlantic has agreed to resell Intermedia's frame relay services under the Bell Atlantic brand and intends to initiate service "when and if Bell Atlantic gains approval to offer long-distance services in its primary East Coast Markets . . ." See Intermedia Communications SEC Form 10-Q at 3, 31 dated May 14, 1999.

[18] See, e.g., Allegiance Comments at 11-12; ALTS Comments at 44-45; e.spire Comments at 15-16; CompTel Comments at 20-22 (Bell Atlantic has only demonstrated parity provisioning of interconnection trunks for one of the prior three months).

[19] See Allegiance Telecom Comments at 11-12.

Atlantic's network but failed to notify MediaOne of this maintenance. Bell Atlantic's failure to notify MediaOne of this maintenance resulted in blocked calls to MediaOne customers for approximately six hours. Moreover, it took MediaOne considerable time and effort to discover the cause of the resulting trouble reports associated with this maintenance.

Bell Atlantic's inability to provision interconnection trunks in a timely, nondiscriminatory manner is a formidable impediment to the development of irreversible local exchange competition in New York that, standing alone, constitutes sufficient grounds for denying Bell Atlantic's Application in New York. Unfortunately, Bell Atlantic's inability to provide competitors with interconnection trunks in a timely manner appears to be a system-wide, not just a single state-wide, problem that needs correcting if local markets in Bell Atlantic-North states are ever to be irreversibly open to local telecommunications competition.

2. Bell Atlantic Has Not Properly Coordinated Local Number Portability Connections with Competitive LECs.

In its Application, Bell Atlantic maintains that it has coordinated LNP connections with competitive LECs in a timely and adequate fashion.[21/] The New York PSC verified compliance with LNP on grounds that "there have been no recent allegations that Bell Atlantic-NY fails to meet its obligations regarding this checklist item."[22/] As the DOJ has recognized, however, the record in this proceeding, however, does not support such a finding.[23/]

As many commenters indicate, Bell Atlantic has not demonstrated that it provides nondiscriminatory access to number portability on terms and conditions that are just and reasonable. In particular, Bell Atlantic has not demonstrated that it can coordinate LNP with

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20/ See Covad Comments 31-32; MCI Comments at 21-22.

21/ See Bell Atlantic Application at 37.

22/ See NY PSC Evaluation at 136.

loop cutovers in a reasonable amount of time and with minimum service disruption.[24] In New York, Bell Atlantic's error rates in this area exceed twenty percent.[25] These error rates are almost certainly below the parity requirement that Bell Atlantic must meet under section 271. Bell Atlantic's failure to coordinate LNP with loop cutovers often cause customer outages for considerable periods of time.[26] Bell Atlantic's inability to coordinate number portability with loop cutovers also imposes significant costs on competitive LECs, which must devote time, effort and expense to identifying and rectifying problems to minimize and service disruption.

Bell Atlantic's deficient coordination of LNP connections is not limited to New York. Rather, it appears to be a systemic problem that Bell Atlantic has not yet adequately addressed in any of its regions. In Massachusetts and Virginia, Bell Atlantic has not consistently coordinated its LNP connections with MediaOne in a timely fashion. This has disrupted MediaOne's local telecommunications services in those markets, resulting in delayed service to new customers. For example, in Virginia, Bell Atlantic has missed MediaOne's requested due dates for LNP more often than not, even after factoring in Bell Atlantic-Virginia's need for a three business-day lead time to process a disconnect order. To date, Bell Atlantic-Virginia has unilaterally changed MediaOne's requested due dates, prematurely disconnected pending LNP orders, and failed to send LNP orders to complete the port.

In Massachusetts, Bell Atlantic has experienced difficulties processing ports in a timely manner and has failed to process canceled or rescheduled orders in the agreed-upon time frames. Since February 1, 1999, Bell Atlantic has prematurely disconnected service to MediaOne

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[23] DOJ Evaluation at 14-22.

[24] See, e.g., DOJ Evaluation at 14-22; AT&T Comments at 29.

[25] See, e.g., AT&T Comments at 32; ChoiceOne Comments at 4-5 (citing a 50 percent failure rate).

residential customers, failed to confirm cancelled or rescheduled orders in a timely fashion, prematurely ported numbers to customers for which MediaOne had rescheduled orders, or otherwise failed to coordinate line cutovers despite confirmed cancellations or rescheduled dates on approximately 200 separate occasions. As a result, MediaOne has spent an inordinate amount of time monitoring local number portability orders to detect and rectify Bell Atlantic's frequent errors. Of course, Bell Atlantic's errors also impose inconvenience and delay on MediaOne customers.

3. Bell Atlantic Has Not Made Order Provisioning Available to Competitors in a Timely or Accurate Fashion.

Timely and accurate service provisioning is crucial to the success of a facilities-based CLEC such as MediaOne. As a facilities-based provider of telecommunications services to residential customers in two states in Bell Atlantic's service area, MediaOne also has a direct interest in ensuring that Bell Atlantic fulfills change management and firm order commitments.

Despite MediaOne's best efforts to work cooperatively with Bell Atlantic, Bell Atlantic has proven unable to make order provisioning available in a timely and accurate fashion. Apparently, MediaOne's experience in Massachusetts and Virginia is not significantly different from the incomplete and inaccurate processing of orders that competitors have experienced in New York.[27/] Bell Atlantic's deficiencies in this area require further FCC scrutiny.

In Virginia, Bell Atlantic has proposed a 48-hour time frame to provide FOCs and clarifications. However, Bell Atlantic misses its proposed commitment date at least a third of the time, extending the receipt of FOCs and clarifications to an average of 96 hours. In addition,

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[26/] See, e.g., AT&T Comments at 32-33 (Bell Atlantic has put one out of every ten new AT&T customers out-of-service. Fully 61 percent of these customers has lost service for more than 24 hours.)

MediaOne's Virginia customers continue to be billed by Bell Atlantic due to an ongoing error in Bell Atlantic's internal systems. Bell Atlantic has informed MediaOne that this problem will not be cured until April 2000.

In Massachusetts, Bell Atlantic initially failed to include MediaOne's NXX codes in its directory assistance database. Bell Atlantic-Virginia refused to intercept messages for customers who changed to MediaOne service with a new telephone number. Recently, in Massachusetts, Bell Atlantic implemented a cutover of a new tandem in such a way that certain MediaOne customers were unable to receive calls routed through a particular Bell Atlantic tandem for approximately two weeks. Even though the problem was isolated to Bell Atlantic's network, it took a significant amount of MediaOne resources to get Bell Atlantic to identify and resolve the problem.

MediaOne continues to work with Bell Atlantic to eliminate these problems, but has yet to be successful. With each mistake that Bell Atlantic makes, MediaOne receives only the promise, and not the reality, of improved service performance from Bell Atlantic in the future. As of the date of this filing, Bell Atlantic's failure to provide adequate service provisioning in Massachusetts and Virginia continues to impair MediaOne's operations and services. This failure constitutes a market entry barrier that deprives MediaOne of the ability to compete for telecommunications customers in a fair manner.

Thus, contrary to Bell Atlantic's claims that it has opened its markets to competition, MediaOne continues to experience significant problems regarding Bell Atlantic's compliance in meeting its obligations to provide interconnection trunks, coordinated LNP connectivity, and

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[27/] See, e.g., DOJ Evaluation at 33-36; ALTS Comments at iv, 30-32; AT&T Comments at 23; Covad Comments at 30-31; e.spire Comments at 18-21; Focal Communications Comments at 3-4; Allegiance Telecom Comments at 8.

order provisioning, as contemplated by the 1996 Act. This is consistent with those competitive LECs that have documented evidence that they are experiencing similar problems in New York. The FCC should therefore find that Bell Atlantic has not complied with all of the requirements that have been established to facilitate competition in the local market, and rule accordingly. If Bell Atlantic's present application is approved before such concerns are adequately addressed and corrected, Commission approval in this proceeding will negatively affect the local telecommunications markets in every other state in which Bell Atlantic operates, and ultimately those in all other states.

B. Bell Atlantic Has Failed to Satisfy the Act's Interconnection Requirements

In its Application, Bell Atlantic states that it "is providing interconnection in a manner fully consistent with the Act and the Commission's rules."[28/] In Massachusetts, however, Bell Atlantic has failed to interconnect at a technically feasible fiber-splice mid-span meet-point in a timely manner. This failure could deny MediaOne the ability to support its customers' traffic efficiently. Bell Atlantic's refusal to negotiate interconnection in accordance with the requirements of section 251(c)(2) and 252(d)(1) of the 1996 Act has resulted in months of contentious negotiation and the needless expenditure of thousands of dollars of legal fees and other expenses. This cannot be what the Commission had in mind in requiring "good faith" negotiations. To the extent that other competitive LECs raise similar claims in New York that Bell Atlantic has refused to provide interconnection that complies with the 1996 Act,[29/] MediaOne's experience in Massachusetts is relevant to the question of whether Bell Atlantic has

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[28/] See Bell Atlantic Application at 12.

[29/] See Sprint Comments at 5-8; cf. ICG Telecom Group Comments at 3-9.

established region-wide policies and procedures regarding interconnection that preclude it from satisfying the checklist's interconnection requirement in New York.[30]

In the Local Competition First Report and Order, the Commission interpreted section 251(c)(2) to mean that competing carriers have the right to deliver their terminating traffic to any technically feasible point on the incumbent LEC network.[31] The FCC found that the Act's interconnection obligation allows "competing carriers to choose the most efficient points at which to exchange traffic with incumbent LECs, thereby lowering the competing carriers' costs of, among other things, transport and termination of traffic."[32] The FCC also concluded that the term "technically feasible" refers solely to technical or operational concerns rather than economic, space or site limitations.[33] In this regard, the FCC squarely held that mid-span meet points are technically feasible and that the incumbent LEC's obligations include making modifications to its facilities to the extent necessary to accommodate interconnection.[34]

From MediaOne's perspective, mid-span fiber meet points are the preferred method of interconnection because they are more efficient and less expensive than collocation. Collocation requires MediaOne to gain access to Bell Atlantic's facilities to perform maintenance and repair. MediaOne and Bell Atlantic currently interconnect at a single fiber mid-span meet-point in Lawrence, Massachusetts. MediaOne's current Massachusetts interconnection agreement provides that additional meet-points can be established.

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[30] See BellSouth Louisiana II Order, 13 FCC Rcd at 20638.

[31] See id., 13 FCC Rcd at 20641.

[32] Local Competition First Report and Order, 11 FCC Rcd at 15608, 15588.

[33] Id., 11 FCC Rcd at 15602-603.

[34] Id., 11 FCC Rcd at 15779-781.

Bell Atlantic has violated its statutory duty in Massachusetts by failing to comply with MediaOne's request for interconnection at an additional fiber-splice mid-span meet-point as permitted under the existing interconnection agreement. Since December 1998, MediaOne has sought to interconnect with Bell Atlantic at an additional mid-span meet-point in Brockton, Massachusetts. For over seven months, Bell Atlantic has failed to move forward on MediaOne's request. Instead, Bell Atlantic has insisted that before it will implement this additional point of interconnection request, MediaOne must sign a document that is not required under the current interconnection agreement and contains some terms and conditions inconsistent with that agreement. Bell Atlantic's intransigence on this issue has limited MediaOne's ability to serve new customers.

II. REGARDLESS OF THE OUTCOME OF THIS PROCEEDING, THE COMMISSION SHOULD ADOPT SPECIFIC MEASURES TO PREVENT BOCS FROM AVOIDING THEIR CHECKLIST REQUIREMENTS WITHOUT CONSEQUENCE ONCE SECTION 271 APPROVAL HAS BEEN GRANTED

Regardless of the outcome of this particular section 271 proceeding, the Commission should develop a federal framework for ensuring ongoing compliance with section 271. MediaOne agrees with those commenters that urge the Commission to adopt as explicit conditions to any approval order strong performance guarantees to ensure that continued enforcement of a BOC is adequate to deter against backsliding.[35/] Such regulatory certainty will enable all parties to understand the means by which the Commission will ensure continued compliance with the requirements of section 271 once in-region interLATA relief is obtained.

[35/] See, e.g., Allegiance Telecom Comments at 14-17; ALTS Comments at 83-86; AT&T Comments at 84-96; New York Attorney General Comments at 27-36.

National minimum performance standards and metrics are also in the public interest because they enable the Commission, on an on-going basis, to protect consumers and competitors by minimizing the incentive and opportunity for BOCs to engage in anticompetitive behavior.

As many commenters have already noted, Bell Atlantic's claim that that "there is simply no risk that Bell Atlantic could close the market or block further entry" into the local telecommunications marketplace after it gains section 271 approval[36/] is untrue. As support for this statement, Bell Atlantic relies primarily on two proposed plans -- the Performance Assurance Plan ("PAP") and the Change Control Assurance Plan ("CCAP") -- which are presently under consideration by the New York PSC. For the reasons already presented in detail by the DOJ, the New York Attorney General, AT&T and several competitive LECs operating in New York,[37/] neither of these proposed plans provide meaningful protection for competitive LECs against backsliding by Bell Atlantic after it is authorized to provide long distance service.

MediaOne agrees with the DOJ, the New York Attorney General and other commenters that ask the Commission to adopt stringent measures to prevent BOCs from avoiding their checklist requirements without consequence after section 271 approval has been granted. MediaOne recommends that the Commission adopt mandatory minimum performance measures, benchmarks and reporting requirements that will apply to all BOCs in future section 271 dockets. For example, in addition to penalties for failure of a BOC to meet its section 271 obligations after the BOC has received in-region interLATA approval, the Commission should also make

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[36/] See Bell Atlantic Application at 69-80.

[37/] See, e.g., DOJ Evaluation at 36-41; AT&T Comments at 84-94; Allegiance Telecom Comments at 14-17; New York Attorney General Comments at 27-36; see also Comments of Attorney General Eliot Spitzer on the Performance Assurance Plan and the Change Control Assurance Plan Proposed by the New York Telephone Company d/b/a Bell Atlantic of New York, NY PSC Case 97-C-0271, 99-C-0949 (filed October 4, 1999).

clear that it will not hesitate to use its authority, pursuant to section 271(d)(6), to suspend or revoke in-region, interLATA authority.

CONCLUSION

MediaOne commends the Commission for its steadfast insistence that the BOCs must demonstrate that their local markets are truly open to competition before granting permission to offer long distance services. Based on the comments filed by competitive LECs in this proceeding, as well as MediaOne's experience in Massachusetts and Virginia, Bell Atlantic has failed to live up to its market-opening obligations on a consistent basis. MediaOne urges the Commission to stand up to the pressures for a perfunctory review of Bell Atlantic's application to offer long distance services in New York. The Commission needs to ensure that the progress made to date continues, so competitors to Bell Atlantic and other BOCs are given fair access to customers throughout the country.

Respectfully submitted,

MEDIAONE GROUP, INC.

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November 8, 1999

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DECLARATION OF GREGORY M. BRADEN

I, Gregory M. Braden, do hereby declare and state under penalty of perjury as follows:

1. I am the Vice President-Telephony for MediaOne. In that position, I have general supervisory and management responsibility over all of MediaOne's telephony operations.

2. I have read the foregoing Reply Comments of MediaOne. With respect to statements made in the Reply Comments, other than those of which official notice can be taken, the facts contained therein are true and correct to the best of my personal knowledge, information, or belief.

Gregory M. Braden

Date: November 8, 1999

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CERTIFICATE OF SERVICE

I, CATHY QUARLES, hereby certify that on this 8th day of November, 1999, I caused copies of the foregoing "REPLY COMMENTS" OF MEDIAONE GROUP, INC." to be served by U.S. mail, first class, postage prepaid, or by hand delivery (*) on the following:

Magalie Roman Salas, Secretary (*) Office of the Secretary Federal Communications Commission The Portals - Room TW-B-204F 445 12th Street, S.W. Washington, D.C. 20554 (Original and Six)	Janice Myles, Policy and Program Planning Division (*) Common Carrier Bureau Federal Communications Commission The Portals - Room 5-C-327 445 12th Street, S.W. Washington, D.C. 20554 (Twelve)
Dorothy Attwood, Office of Commissioner (*) William Kennard Federal Communications Commission The Portals 445 12th Street, S.W. Washington, D.C. 20554	Linda Kinney, Office of Commissioner Ness(*) Federal Communications Commission The Portals 445 12th Street, S.W. Washington, D.C. 20554
Rebecca Beynon, Office of Commissioner (*) Furchtgott-Roth Federal Communications Commission The Portals - Room 8-A-302 445 12th Street, S.W. Washington, D.C. 20554	Kyle Dixon, Office of Commissioner Powell (*) Federal Communications Commission The Portals - Room 8-A-204 445 12th Street, S.W. Washington, D.C. 20554
Sarah Whitesell, Office of Commissioner Tristani (*) Federal Communications Commission The Portals - Room A-C-302 445 12th Street, S.W. Washington, D.C. 20554	Howard Shelanski, Chief Economist (*) Federal Communications Commission The Portals - Room 7-C-347 445 12th Street, S.W. Washington, D.C. 20554
Dr. Robert Pepper, Chief (*) Office of Plans and Policy Federal Communications Commission The Portals 445 12th Street, S.W. Washington, D.C. 20554	Carol Mattey, Chief (*) Policy Division, Common Carrier Bureau Federal Communications Commission The Portals - Room 5C 207 445 12th Street, S.W. Washington, D.C. 20554

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Cathy M. Quarles

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